



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
(503) 229-5696
FAX (503) 229-5100
TTY 711

November 4, 2025

CERTIFIED MAIL: 9589 0710 5270 3236 6720 86

NW Metals Inc
c/o Moyata Anotta, Registered Agent
8140 N Commercial Ave
Portland OR 97217

Re: Notice of Civil Penalty Assessment and Order
Case No. LQ-SW-NWR-2025-535

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$357,461 for operating your business at 8140 North Commercial Avenue in Portland without a solid waste permit, air quality permit, and stormwater permit, and also for disposing of solid waste at 9537 North Columbia Boulevard in Portland without a solid waste permit.

DEQ issued this penalty because your unpermitted metal recycling operations at both properties have created risk to the environment and public health. Specifically, you operated a metal shredder and processed waste automobiles, fluids, and tires without the pollution controls required in solid waste, air quality and stormwater permits. DEQ and the City of Portland have repeatedly notified you of these violations and requested you take action to address them. DEQ is especially concerned about ongoing violations at the Commercial Avenue location, and because you have committed environmental violations at multiple properties in Portland over the past several years.

In addition to issuing you a civil penalty, included in Section IV of the enclosed Notice of Civil Penalty Assessment and Order (Notice) is an order requiring you to:

- Immediately cease operating Shredder 3 without an Air Contaminant Discharge Permit;
- Submit a written notification to DEQ that Shredder 3 is no longer operating, along with a current dated photograph of the Shredder 3 hour meter;
- Submit a complete 2024 annual report under the Columbia Boulevard facility Air Contaminant Discharge Permit;
- Properly dispose of the solid waste and waste tires at the Commercial Avenue facility or submit a complete application for a solid waste permit; and
- Work with the property owner at the Columbia Boulevard facility to properly dispose of the solid waste and waste tires at that site.

The above is a summary, and you should consult Section IV of the Notice for the deadlines and the order's detailed requirements. \$179,061 of the civil penalty represents the economic benefit you gained by avoiding costs of compliance. If you complete these requirements, DEQ will consider recalculating the applicable costs as delayed rather than avoided and may reduce the civil penalty accordingly.

You may pay the civil penalty as follows:

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here: <https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account dashboard. Enter the Invoice number and Account ID included on the attached payment slip. Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional charges, or

Pay by check or money order: Make checks payable to “Department of Environmental Quality” and mail to the address on the enclosed payment slip. Please make sure to include the payment slip with your check or money order.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232

Via email – DEQappeals@deq.oregon.gov

Via fax – 503-229-6762

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due.

The attached Notice further details DEQ’s reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a portion of your penalty. Further information is available by calling the number below or at <http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>.

DEQ’s rules are available at <https://www.oregon.gov/deq/Regulations/Pages/Administrative-Rules.aspx> or by calling the number below.

If you have any questions, please contact Sarah Wheeler at 971-301-0622.

Sincerely,



Erin Saylor, Interim Manager
Office of Compliance and Enforcement

Enclosures

cc: Steven Chang, DEQ
David Graiver, DEQ
Angelica Greene, City of Portland BES, angelica.greene@portlandoregon.gov
Moyata Anotta, NW Metals, Inc., anottam@gmail.com

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3	IN THE MATTER OF:)	NOTICE OF CIVIL PENALTY
4	NW METALS, INC.,)	ASSESSMENT AND ORDER
5	Respondent.)	CASE NO. LQ/SW-NWR-2025-535

6 I. AUTHORITY

7 The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment
8 and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140,
9 ORS 459.995, ORS Chapters 468A, 468B and 183, and Oregon Administrative Rules (OAR) Chapter 340,
10 Divisions 011, 012, 045, 093, 216, and 245, as more specifically described below.

11 II. FINDINGS OF FACT

12 Solid waste violations

13 1. From approximately March 2021 through November 2024, Respondent operated a
14 business receiving, storing, and handling discarded vehicles, miscellaneous scrap metal, and tires at
15 9537 North Columbia Boulevard, Portland, Oregon (Columbia Facility).

16 2. On January 9, 2025, DEQ staff inspected the Columbia Facility. At that time, and
17 continuing as of the date of this Notice, Respondent had abandoned the following at the Columbia
18 Facility from its prior operations: three piles (approximately 15 feet high) of residue from shredding
19 solid waste including automobiles, as well as several inoperable automobiles and recreational vehicles,
20 containers of waste automotive fluids, scrap metal, hundreds of waste tires, automobile parts, and
21 miscellaneous garbage.

22 3. At no time did Respondent have a solid waste disposal site permit for the Columbia
23 Facility.

24 4. From approximately November 2024 through the date of this Notice, Respondent has
25 operated and continues to operate a business receiving, storing, and handling discarded vehicles,
26 miscellaneous scrap metal, and waste tires at 8410 North Commercial Avenue, Portland, Oregon
27 (Commercial Facility).

1 5. On January 9 and February 6, 2025, DEQ staff observed the Commercial Facility. There
2 were two Arjes Shredders, a conveyer, separator, and excavator at the Commercial Facility. The
3 separator was sorting material and the conveyor was operational. A pile of shredded material was at the
4 end of the shredder itself and on the ground in front of the shredder. Additionally, there were numerous
5 inoperable vehicles, vehicle parts, residue from shredding solid waste, waste tires, and miscellaneous
6 scrap metal and garbage at the Commercial Facility.

7 6. Respondent does not have an automobile dismantler certificate from the Oregon
8 Department of Transportation Division of Motor Vehicles issued pursuant to ORS 822.110 for the
9 Commercial Facility.

10 7. Respondent does not have a solid waste disposal site permit for the Commercial Facility.

11 Water quality violation

12 8. Since on or about November 2024, Respondent has operated its business at the
13 Commercial Facility under Standard Industrial Classification (SIC) codes 5015 (Motor Vehicle Parts,
14 Used) and 5093 (Scrap and Waste Materials).

15 9. During precipitation events, the industrial activities at the Commercial Facility are
16 exposed to stormwater. From on or about November 2024 to at least August 18, 2025, that industrial
17 stormwater had the potential to discharge to the Columbia Slough. More specifically, at all material
18 times until August 18, 2025, one manhole and two catch basins located in areas at the Commercial
19 Facility where Respondent was operating were connected to the City of Portland's stormwater system,
20 which drains to the Columbia Slough.

21 10. On November 13, 2024, April 25, 2025, and August 5, 2025, the City of Portland's
22 Bureau of Environmental Services (BES) notified Respondent in writing that Respondent was required
23 to apply for coverage under a National Pollutant Discharge Elimination System (NPDES) 1200-Z
24 stormwater discharge permit for operations at the Commercial Facility.

25 11. On April 7, 2025, and July 30, 2025, BES staff inspected the Commercial Facility. At
26 those times, Respondent stored industrial equipment (including vehicles, shredders, a conveyer, and a
27 separator), as well as piles of shredded waste, waste tires, discarded vehicles and vehicle parts, vehicle

1 fluids, miscellaneous scrap metal, and other waste.

2 12. At no time has Respondent had coverage for the Commercial Facility under the NPDES
3 1200-Z permit or any other water quality permit.

4 Air quality violations

5 13. On March 24, 2021, DEQ issued Simple Air Contaminant Discharge Permit no. 26-
6 0315-SI-01 to Respondent, authorizing Respondent's metal shredding operations at the Columbia
7 Facility (the Columbia ACDP).

8 14. On or about November 7, 2024, Respondent relocated two metal shredders from the
9 Columbia Facility to the Commercial Facility. The first shredder is an Arjes VS 950 Titan Shredder,
10 Device ID 7600-Shredder2 (Shredder 2). The second shredder is also an Arjes VS 950 Titan Shredder,
11 Device ID 7600-Shredder3 (Shredder 3).

12 15. Between November 13, 2024, and the end of November 2024, Respondent operated
13 Shredder 3 for a total of 4.8 hours at the Commercial Facility.

14 16. During the month of December 2024, Respondent operated Shredder 3 for 15.4 hours at
15 the Commercial Facility.

16 17. Between January 1, 2025, and February 15, 2025, Respondent operated Shredder 3 for
17 32.8 hours at the Commercial Facility.

18 18. The Commercial Facility has a capacity to emit 10 or more tons per year of Volatile
19 Organic Compounds (VOCs).

20 19. The Commercial Facility has a capacity to emit 10 or more tons per year of Particulate
21 Matter (PM).

22 20. On January 9, 2025, DEQ inspected the Commercial Facility. DEQ observed two
23 shredders, a conveyor, a separator, and an excavator on site at the Commercial Facility.

24 21. On February 6, 2025, DEQ observed the Commercial Facility from a nearby overpass.
25 On February 6, 2025, there were pieces of metal on the conveyor, and there was a pile of shredded
26 material on the ground at the Commercial Facility.

27 22. On July 25, 2025, DEQ issued Pre-Enforcement Notice No. 2025-PEN-9906 to

1 Respondent (Air Quality PEN). The Air Quality PEN cited Respondent for operating Shredder 3 at the
2 Commercial Facility without an ACDP, requested that Respondent immediately cease operating
3 Shredder 3 without an ACDP, and requested that Respondent submit a written notification to DEQ that
4 Shredder 3 is no longer operating, along with a corresponding dated photograph of the Shredder 3 hour
5 meter.

6 23. As of the date of this Notice, Respondent has not notified DEQ that it has ceased
7 operating Shredder 3 at the Commercial Facility nor has Respondent provided the requested written
8 notification and photograph described in Section II, Paragraph 22, above.

9 24. As of the date of this Notice, DEQ has not issued Respondent an ACDP for the
10 Commercial Facility.

11 25. Condition 9.4 of the Columbia ACDP required Respondent to submit to DEQ, by February
12 15, 2025, an annual report for calendar year 2024. Specifically, Condition 9.4.c required Respondent to
13 submit a dated photograph of the current hour meter reading for the Shredder 2 engine.

14 26. According to Condition 1.2 of the Columbia ACDP, Respondent is prohibited from
15 operating Shredder 2 at the Columbia Facility.

16 27. On March 11, 2025, Respondent submitted a 2024 annual report to DEQ under the
17 Columbia ACDP; however, that annual report did not include a dated photograph of the current hour
18 meter reading for the Shredder 2 engine.

19 28. As of the date of this Notice, Respondent has not submitted the missing information
20 described in Section II, Paragraph 27, above, to DEQ.

21 2021 Injunction

22 29. On June 21, 2021, Respondent and DEQ entered into a Stipulated Permanent Injunction
23 Order in Multnomah County Circuit Court (2021 Injunction). Respondent stipulated in the Injunction
24 that Respondent “shall not operate its metal or automobile shredder(s) without valid air permit coverage
25 from DEQ,” “shall comply with ORS Chapter 468A and related regulations (collectively the ‘Air
26 Quality Rules’),” “shall comply with ORS Chapter 459 and related regulations (collectively the ‘Solid

27 ///

1 Waste Rules’),” and “shall comply with ORS Chapters 468B and related regulations (collectively the
2 ‘Water Quality Rules’).”

3 III. CONCLUSIONS

4 Solid waste violations

5 1. Respondent violated OAR 340-093-0040(1) by disposing of solid waste at a location not
6 permitted by DEQ to receive solid waste, as described in Paragraphs 1-3 of Section II above. The
7 materials at the Columbia Facility are “solid waste” as defined in OAR 340-093-0030(99) because they
8 are useless and discarded materials, including garbage, inoperable vehicles and vehicle parts,
9 miscellaneous scrap metal, waste tires, and residue from shredding solid waste. This is a Class I
10 violation, according to OAR 340-012-0065(1)(c). DEQ hereby assesses a \$138,566 civil penalty for this
11 violation.

12 2. Respondent violated OAR 340-093-0050(1) by establishing, operating, or maintaining a
13 solid waste disposal site at the Commercial Facility without a solid waste disposal site permit issued by
14 DEQ, as described in Paragraphs 4-7 of Section II above. The materials at the Commercial Facility are
15 “solid waste” as defined in OAR 340-093-0030(99) because they are useless and discarded materials,
16 including garbage, non-operational vehicles and vehicle parts, scrap metal, and waste tires. The
17 Commercial Facility is a “disposal site” as defined in OAR 340-093-0030(41) because it was and is
18 used for disposal, handling, transfer, material recovery and recycling from solid wastes. This is a Class I
19 violation, according to OAR 340-012-0065(1)(a). DEQ hereby assesses a \$81,557 civil penalty for this
20 violation.

21 Water quality violation

22 3. Respondent violated ORS 468B.050(1)(d) and OAR 340-045-0033(6) by operating a
23 commercial establishment or activity which would cause an increase in the discharge of wastes into waters
24 of the state or which would otherwise alter the physical, chemical or biological properties of any waters of
25 the state in any manner not already lawfully authorized, without a permit issued by DEQ, as described in
26 Paragraphs 4-5 and 8-12 of Section II above. From approximately November of 2024 through August 18,
27 2025, Respondent allowed stormwater discharge contaminated by Respondent’s operations at the

1 Commercial Facility to enter a manhole and two catch basins that convey stormwater to the City of
2 Portland's stormwater collection system, which connects to the Columbia Slough, waters of the state as
3 defined in ORS 468B.005(10). The stormwater discharge from the Commercial Facility is waste as defined
4 in ORS 468B.005(9) because it will or tends to cause pollution, as defined in ORS 468B.005(5), of waters
5 of the state. This is a Class I violation, according to OAR 340-012-0055(1)(d). DEQ hereby assesses an
6 \$11,480 civil penalty for this violation.

7 Air quality violations

8 4. Respondent violated ORS 468A.045(1)(b) and OAR 340-216-0020(3) by establishing,
9 installing and operating Shredder 3 at the Commercial Facility without first obtaining an ACDP from
10 DEQ, as described in Paragraphs 13-24 of Section II, above. Specifically, on or about November 7, 2024,
11 Respondent moved Shredder 3 from the Columbia Facility to the Commercial Facility. On November 13,
12 2024, Respondent began operating Shredder 3 at the Commercial Facility. Shredder 3 has a capacity¹ to
13 emit 10 or more tons per year of VOCs and 10 or more tons per year of PM, making the Commercial
14 Facility a source listed in OAR 340-216-8010, Table 1, Part B, Category 85², and triggering the
15 requirement in OAR 340-216-0020(2) to obtain an ACDP from DEQ. As of the date of this Notice, DEQ
16 has not issued Respondent an ACDP for the Commercial Facility. This is a Class I violation according to
17 OAR 340-012-0054(1)(b). DEQ hereby assesses a \$125,858 civil penalty for this violation.

18 5. Respondent violated Condition 9.4 of the Columbia ACDP by failing to timely submit a
19 complete 2024 annual report for the Columbia Facility, as described in Paragraphs 13 and 25-28 of Section
20 II, above. This is a Class II violation according to OAR 340-012-0054(2)(f). DEQ has not assessed a civil
21 penalty for this violation.

22 IV. ORDER TO PAY CIVIL PENALTY AND TO COMPLY

23 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is
24 hereby ORDERED TO:

25 _____
26 ¹ Capacity is defined in OAR 340-200-0020(20) as "the maximum regulated pollutant emissions from a stationary source
under its physical and operational design."

27 ² OAR 340-216-8010, Table 1, Part B, Category 85 applies to "All other sources, both stationary and portable, not listed
herein which would have the capacity of 5 or more tons per year of direct PM_{2.5} or PM₁₀ if located in a PM_{2.5} or PM₁₀
nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant." VOCs and PM are included
within the definition of "criteria pollutant" in OAR 340-200-0020(36).

1 1. Pay a total civil penalty of \$357,461. The determination of the civil penalty is attached as
2 Exhibits 1-4 and is incorporated as part of this Notice.

3 If you do not file a request for hearing as set forth in Section V below, please pay the penalty as
4 follows:

5 Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:
6 <https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account
7 dashboard. Enter the Reference Number and FIMS Account ID included on the attached payment slip.
8 Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no
9 additional charges.

10 Pay by check or money order: Make checks payable to “Department of Environmental
11 Quality” and mail to the address on the enclosed payment slip. Please make sure to include the payment
12 slip with your check or money order.

13 2. Immediately cease operating Shredder 3, or any other shredder, at the Commercial
14 Facility without an Air Contaminant Discharge Permit.

15 3. By November 7, 2025, submit written notification to DEQ that Shredder 3 is no longer
16 operating, along with a current dated photograph of the Shredder 3 hour meter.

17 4. By November 14, 2025, submit an updated 2024 annual report that complies with the
18 requirements of Condition 9.4 of the Columbia ACDP. The updated report must be submitted through
19 Your DEQ Online and must include a dated photograph of the current hour meter reading for the
20 Shredder 2 engine.

21 5. By November 14, 2025, provide documentation of your efforts to work with the current
22 property owner to contribute to cleaning up and legally disposing of all solid waste and waste tires
23 disposed at the Columbia Facility, to Steven Chang, DEQ, steven.chang@deq.oregon.gov, or 700 NE
24 Multnomah St, Ste 600, Portland OR 97232.

25 6. By November 28, 2025, either, 1) dispose of all solid waste and waste tires from the
26 Commercial Facility at a location permitted to accept them and submit documentation that you have
27 completed such disposal, including receipts and photographs, to Steven Chang, DEQ,

1 steven.chang@deq.oregon.gov, or 700 NE Multnomah St, Ste 600, Portland OR 97232; or 2) submit a
2 complete application for a solid waste disposal site permit for the Commercial Facility to DEQ.

3 V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

4 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
5 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
6 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
7 exhibits, you must do so in your request for hearing, as factual matters not denied will be considered
8 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for
9 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
10 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax
11 it to **503-229-6762** or email it to DEQappeals@deq.oregon.gov. An administrative law judge
12 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
13 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
14 represented by an attorney at the hearing, however you are not required to be. If you request a hearing,
15 you will be notified of the time and place of the hearing and you will be given information on the
16 procedures, and other rights of parties relating to the conduct of the hearing before commencement of
17 the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership,
18 limited liability company, unincorporated association, trust or government body, you must be
19 represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

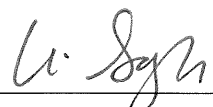
20 Active duty Service members have a right to stay proceedings under the federal Service
21 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
22 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
23 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
24 Department does not have a toll free telephone number.

25 If you fail to file a timely request for hearing, the Notice will become a final order by default
26 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later
27 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the

1 hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates
2 the relevant portions of its files, including information submitted by you, as the record for purposes of
3 proving a prima facie case.

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11/4/2025



Date

Erin Saylor, Interim Manager
Office of Compliance and Enforcement

EXHIBIT 1

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION 1: Disposing of solid waste at a location not permitted by DEQ to receive solid waste, in violation of OAR 340-093-0040(1).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0065(1)(c).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(3)(a)(A) because the volume of solid waste disposed at the unpermitted Columbia Facility exceeded 400 cubic yards.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$12,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(Q)(i) because Respondent should have had a solid waste disposal permit to dispose of waste at the Columbia Facility.

"P" is whether Respondent has any prior significant actions (PSAs), as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives an initial value of 5 according to OAR 340-012-0145(2)(a)(C) and (D), and OAR 340-012-0030(2). On December 3, 2018, DEQ issued Amended Notice of Civil Penalty Assessment and Order WQ/SW-NWR-2018-063 to Respondent, which included three Class I land quality violations and two Class II land quality violations. Pursuant to OAR 340-012-0145(2)(e) and OAR 340-012-0145(2)(d)(A)(ii), because all the formal enforcement actions in which PSAs were cited were issued more than five years before the current violation occurred, the value of P is reduced to 0.

"H" is Respondent's history of correcting prior significant actions and receives an initial value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b). However, pursuant to OAR 340-012-0145(3)(d), the sum of values for "P" and "H" may not be less than one because Respondent did not take extraordinary efforts to address the PSAs, so the final value of H is 1.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation. Each day of violation constitutes a separate occurrence. The violation has been ongoing since at least November of 2024.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. Respondent is aware of solid

waste permitting and disposal regulations. On or about August 24, 2020, Respondent submitted an incomplete application for a solid waste permit at the Columbia Facility, which was put on hold. On June 21, 2021, Respondent and DEQ entered into a Stipulated Permanent Injunction Order (the 2021 Injunction) where Respondent agreed to comply with ORS Chapter 459 and related solid waste rules. In November of 2024, Respondent abandoned solid waste at the Columbia Facility. On February 20, 2025, DEQ notified Respondent in writing of the violation at the Columbia Facility. As of the date of this Notice, Respondent has not legally disposed of the solid waste Respondent abandoned at the Columbia Facility. By disposing of Respondent's solid waste at an unpermitted location, Respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). As of the date of this Notice, Respondent has not addressed the violation at the Columbia Facility.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$113,366. This is the amount Respondent gained by avoiding, since at least November 30, 2024, spending an estimated \$145,314 to dispose of the solid waste disposed at the unpermitted Columbia Facility. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
 $= \$12,000 + [(0.1 \times \$12,000) \times (0 + 1 + 4 + 4 + 2)] + \$113,366$
 $= \$12,000 + (\$1,200 \times 11) + \$113,366$
 $= \$12,000 + \$13,200 + \$113,366$
 $= \$138,566$

EXHIBIT 2

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION 2: Establishing, operating, and maintaining an unpermitted solid waste disposal site at the Commercial Facility, in violation of ORS 459.205(1) and OAR 340-093-0050(1).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0065(1)(a).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(3)(a)(A) because the volume of unpermitted solid waste at the Commercial Facility exceeds 400 cubic yards.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$12,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(Q)(i) because Respondent should have had a solid waste disposal permit.

"P" is whether Respondent has any prior significant actions (PSAs), as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives an initial value of 5 according to OAR 340-012-0145(2)(a)(C) and (D), and OAR 340-012-0030(2). On December 3, 2018, DEQ issued Amended Notice of Civil Penalty Assessment and Order WQ/SW-NWR-2018-063 to Respondent, which included three Class I land quality violations and two Class II land quality violations. Pursuant to OAR 340-012-0145(2)(e) and OAR 340-012-0145(2)(d)(A)(ii), because all the formal enforcement actions in which PSAs were cited were issued more than five years before the current violation occurred, the value of P is reduced to 0.

"H" is Respondent's history of correcting prior significant actions and receives an initial value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b). However, pursuant to OAR 340-012-0145(3)(d), the sum of values for "P" and "H" may not be less than one because Respondent did not take extraordinary efforts to address the PSAs, so the final value of H is 1.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation. Each day of violation constitutes a separate occurrence. DEQ first notified Respondent in writing that a solid waste permit was required on February 20, 2025, and as of the date of this Notice, Respondent has not corrected the violation.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. Respondent is aware of solid waste permitting and disposal regulations. In 2020, Respondent submitted an incomplete application for a solid waste permit at the Columbia Facility, which was put on hold. On June 21, 2021, Respondent and DEQ entered into a Stipulated Permanent Injunction Order where Respondent agreed to comply with ORS Chapter 459 and related solid waste rules. DEQ first notified Respondent in writing that a solid waste permit was required for the Commercial Facility on February 20, 2025, and DEQ has repeatedly reiterated the requirement and attempted to assist Respondent since that date. As of the date of this Notice, Respondent has not applied for a permit. By operating a business accepting solid waste without applying for a permit, despite Respondent's awareness of the requirement and the multiple notices and requests from DEQ, Respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). As of the date of this Notice, Respondent has not addressed the violation at the Commercial Facility.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$56,357. This is the amount Respondent gained by avoiding, since at least January 9, 2025, spending an estimated \$72,657 to legally dispose of the solid waste Respondent disposed at the unpermitted Commercial Facility. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= $\$12,000 + [(0.1 \times \$12,000) \times (0 + 1 + 4 + 4 + 2)] + \$56,357$
= $\$12,000 + (\$1,200 \times 11) + \$56,357$
= $\$12,000 + \$13,200 + \$56,357$
= $\$81,557$

EXHIBIT 3

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION 3: Operating a commercial activity which would cause an increase in the discharge of wastes into waters of the state or which would otherwise alter the physical, chemical, or biological properties of waters of the state in a manner not already lawfully authorized, in violation of ORS 468B.050(1)(d) and OAR 340-045-0033(6).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(d).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$4,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(iii) because Respondent violated a water quality statute and should have applied for coverage under an NPDES General Permit.

"P" is whether Respondent has any prior significant actions (PSAs), as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives an initial value of 2 according to OAR 340-012-0145(2)(a)(C). On December 3, 2018, DEQ issued Amended Notice of Civil Penalty Assessment and Order WQ/SW-NWR-2018-063 to Respondent, which included two Class I water quality violations and one Class II water quality violation. Because all the formal enforcement actions in which PSAs were cited were issued more than five years before the current violation occurred, the value of P is reduced to 0, pursuant to OAR 340-012-0145(2)(e) and OAR 340-012-0145(2)(d)(A)(ii).

"H" is Respondent's history of correcting prior significant actions and receives an initial value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b). However, the sum of values for "P" and "H" may not be less than one because Respondent did not take extraordinary efforts to address the PSAs, so the final value of H is 1, pursuant to OAR 340-012-0145(3)(d).

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because the violation was ongoing from at least April 11, 2025, the date of the City of Portland's first inspection of the Commercial Facility, until August

18, 2025, when Respondent covered the manhole and catch basins at the Commercial Facility with concrete.

"M" is the mental state of the Respondent and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent's conduct was reckless, as defined in OAR 340-012-0030(20). Since at least 2020, Respondent has operated this business at multiple properties, all of which have been evaluated for coverage under the 1200-Z permit. On June 21, 2021, Respondent and DEQ entered into a Stipulated Permanent Injunction Order where Respondent agreed to comply with ORS Chapters 468B and related water quality rules. The City of Portland notified Respondent as early as November 14, 2024, that the Commercial Facility required coverage under the 1200-Z permit, and the City notified Respondent of the requirement again during inspections in April and July of 2025. Under these circumstances, by operating prior to applying for stormwater permit coverage and continuing to operate for nine months without applying for a permit, Respondent consciously disregarded a substantial and unjustifiable risk that the result would occur. Given Respondent's experience with stormwater permitting generally, and Respondent's specific knowledge with respect to the Commercial Facility, Respondent's disregard of this risk constituted a gross deviation from the standard of care a reasonable person would observe in this situation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because there is insufficient information to make a finding under paragraphs (6)(a) through (6)(e), or (6)(g) or if the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$2,280. This is the amount Respondent gained by avoiding spending \$2,984 by at least April 11, 2025, for the permit application and first year of annual fees. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= $\$4,000 + [(0.1 \times \$4,000) \times (0 + 1 + 4 + 8 + 0)] + \$2,280$
= $\$4,000 + (\$400 \times 13) + \$2,280$
= $\$4,000 + \$5,200 + \$2,280$
= $\$11,480$

EXHIBIT 4

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 4 Establishing, installing and operating Shredder 3 at the Commercial Facility without first obtaining an ACDP from DEQ, in violation of ORS 468A.045(1)(b) and OAR 340-216-0020(3).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0054(1)(b) because Respondent constructed a new source, as defined in OAR 340-245-0020, without first obtaining a required Air Contaminant Discharge Permit that includes permit conditions required under OAR 340-245-0005 through 340-245-8050 or without complying with Cleaner Air Oregon rules under OAR 340-245-0005 through 340-245-8050. The Commercial Facility is a new source as defined in OAR 340-245-0020(33)(a) because it is not an existing source. The Commercial Facility is not an existing source according to OAR 340-245-0020(20) because Respondent did not begin construction or obtain any Clean Air Act approvals, nor did Respondent submit any applications to DEQ for the Commercial Facility before November 16, 2018, the effective date of the Cleaner Air Oregon program. As of the date of this Notice, Respondent has not obtained an ACDP from DEQ for the Commercial Facility, and has not submitted a Cleaner Air Oregon risk assessment for the Commercial Facility according to OAR 340-245-0500(2) or demonstrated to DEQ that the Commercial Facility is an exempt source under OAR 340-245-0500(6).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$4,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(A) because Respondent should have an ACDP to operate the shredder at the Commercial Facility.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives an initial value of 2 according to OAR 340-

012-0145(2)(a)(C), and OAR 340-012-0030(2). On December 3, 2018, DEQ issued Amended Notice of Civil Penalty Assessment and Order WQ/SW-NWR-2018-063 to Respondent, which included two Class II air quality violations. Pursuant to OAR 340-012-0145(2)(e) and OAR 340-012-0145(2)(d)(A)(ii), because all the formal enforcement actions in which PSAs were cited were issued more than five years before the current violation occurred, the value of P is reduced to 0.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b). However, pursuant to OAR 340-012-0145(3)(d), the sum of values for "P" and "H" may not be less than one because Respondent did not take extraordinary efforts to address the PSAs, so the final value of H is 1.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation. Each day is a separate occurrence of the violation. On or about November 7, 2024, Respondent moved Shredder 3 from the Columbia Facility to the Commercial Facility. On November 13, 2024, Respondent began operating Shredder 3 at the Commercial Facility. As of the date of this Notice, DEQ has not issued Respondent an ACDP for the Commercial Facility. Therefore, the violation has been ongoing from November 7, 2024, to the date of this Notice, and there are more than 334 occurrences of the violation. As described below, DEQ is assessing 11 separate penalties for each calendar month since Respondent established and installed the Shredder 3 at the Commercial Facility without an ACDP. Therefore, there are more than 28 occurrences of the violation represented in each separate penalty.

"M" is the mental state of the Respondent and receives a value of 10 according to OAR 340-012-0145(5)(e) because Respondent acted flagrantly. According to OAR 340-012-0030(11), flagrant means the respondent had actual knowledge that the conduct was unlawful and consciously set out to commit the violation. Respondent has previously been cited by DEQ in Amended Notice of Civil Penalty Assessment and Order WQ/SW-NWR-2018-063, issued by DEQ on December 3, 2018, for operating a metal shredder at a former facility (7600 NE Killingsworth Street) without an ACDP. In addition, the 2021 Injunction provides that Respondent "shall not operate its metal or automobile shredder(s) without valid air permit coverage from DEQ," "shall comply with ORS Chapter 468A and regulated regulations (collectively the "Air Quality Rules"). In addition, since Respondent relocated Shredder 3 from the Columbia Facility to the Commercial Facility in November 2024, DEQ has notified Respondent on multiple occasions that the operation of Shredder 3 at the Commercial Facility is unpermitted and unlawful. These notifications include an email on December 17, 2024, a letter dated December 30, 2024, an email dated February 25, 2025, and the Air Quality PEN issued on July 25, 2025. Thus, Respondent had actual knowledge that the conduct was unlawful and consciously set out to commit the violation by operating Shredder 3 at the Commercial Facility.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). As of the date of this Notice, Respondent has not addressed the violation at the Commercial Facility.

GRAVITY-BASED PENALTY CALCULATION:

$$\begin{aligned} \text{Penalty} &= \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] \\ &= \$4,000 + [(0.1 \times \$4,000) \times (0 + 1 + 4 + 10 + 2)] \\ &= \$4,000 + (\$400 \times 17) \\ &= \$4,000 + \$6,800 \\ &= \$10,800 \end{aligned}$$

According to ORS 468.140(2), each day of violation constitutes a separate offense and is subject to a civil penalty up to \$25,000 per day. According to OAR 340-012-00145(4)(e), DEQ is exercising its enforcement discretion to assess 11 separate penalties.

$$\text{Gravity based penalty: } \$10,800 \times 11 = \$118,800$$

ECONOMIC BENEFIT

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$7,058. This is the amount Respondent gained by avoiding spending \$9,000 to apply for an ACDP for the Commercial Facility. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

TOTAL PENALTY

According to OAR 340-012-0045, the total penalty is the gravity-based penalty (BP + [(0.1 x BP) x (P + H + O + M + C)]) plus the Economic Benefit.

$$\text{Total penalty: } \$118,800 + \$7,058 = \$125,858$$

Oregon Department of Environmental Quality
 700 NE Multnomah Street, Suite 600
 Portland, OR 97232-4100



State of Oregon
Department of Environmental Quality

Phone: 503-229-5437
 Fax: 503-229-5850

MOYATA ANOTTA
 NORTHWEST METALS
 8140 N COMMERCIAL AVE
 PORTLAND, OR 97217-1040

CIVIL PENALTY - ORS 468.135(2)

DATE:	November 4, 2025
RESPONSE DATE*:	January 13, 2026
TOTAL PENALTY:	\$357,461.00

Account Name:	NORTHWEST METALS		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600040
SubSystem ID:	1523	FIMS Acct. ID:	29139

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 357,461.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 357,461.00

*This is the date the penalty is due if you do not exercise your right to appeal the attached order. Payment of this penalty is subject to the exercise of your options or right to appeal as described in the enclosed enforcement documents.

To Pay Online with ACH or Credit Card Visit <https://ydo.oregon.gov> and select 'Register Account'

----- ✂
 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT



MOYATA ANOTTA
 NORTHWEST METALS
 8140 N COMMERCIAL AVE
 PORTLAND, OR 97217-1040

REFERENCE NO.	CPGFD2600040		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	January 13, 2026
FIMS ACCT. ID:	29139	TOTAL PENALTY DUE:	\$357461.00

AMOUNT ENCLOSED:

MAKE CHECK PAYABLE TO: Department of Environmental Quality
 DEQ FINANCIAL SERVICES - LBX4244
 PO BOX 4244
 PORTLAND OR 97208-4244

Check this box if updated address information has been provided on the back of the form.

00401 7400 10040 74001 0500 000000 0095000291393CPGFD260004000357461007



State of Oregon
 Department of
 Environmental
 Quality

State of Oregon Department of Environmental Quality

CIVIL PENALTY - ORS 468.135(2)

700 NE Multnomah Street, Suite 600
 Portland, OR 97232-4100
 Phone: 503-229-5437
 Fax: 503-229-5850

Penalty Detail

Transaction Date	Description	Amount
11/3/2025	2025-535 LQ-SW-NWR-2025-535	\$357,461.00

SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00401	7400	10040	74001	0500	00000	00

Address Changes

Please visit <https://ydo.oregon.gov> to update your mailing address online or provide the following information:

Name _____
 Address _____
 City, State, Zip _____

CERTIFICATE OF MAILING

I hereby certify that I served DEQ Case No. LQ-SW-NWR-2025-535 upon:

9589 0720 5270 3236 6720 68

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
<i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
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<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$ _____
Postmark Here	
NW Metals Inc c/o Moyata Anotta, Registered Agent 8140 N Commercial Ave. Portland, OR 97217	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

By mailing a true copy of the above by placing it in a sealed envelope, with postage prepaid at the DEQ/DAS mail services in Portland, Oregon on November 4, 2025

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality